



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

203

CWP-11628-2000

Date of Decision: 27.02.2025

Ex. SPO Sukhwinder Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. G.S. Mann, Advocate for the petitioner

Mr. Aman Dhir, Deputy Advocate General, Punjab

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Article 226 of the Constitution of India is seeking setting aside of order vide which he has been terminated from the post of Special Police Officer.

2. The respondent-State in terms of Section 17 of Police Act, 1861 (for short '**Police Act**') made appointment of petitioner as Special Police Officer (for short '**SPO**'). He came to be implicated in a case wherein two officers along with him were terminated. Those two officers were regular employees of Punjab Police Force. They were governed by Police Act as well as Punjab Police Rules, 1934 (for short '**1934 Rules**'). The respondent after conducting inquiry reinstated its police officials, however, neither conducted inquiry *qua* the petitioner nor granted him opportunity of hearing.

3. Learned counsel for the petitioner submits that petitioner was terminated without granting opportunity of hearing as well as conducting



inquiry. The respondent has reinstated similarly situated persons, thus, petitioner was required to be reinstated.

4. *Per contra*, learned State counsel submits that SPOs are not governed by 1934 Rules. They are contractual employees and may be terminated at any point of time without conducting regular inquiry. For the said purpose, standing order dated 30.10.1990 has been issued.

5. I have heard the arguments of learned counsel for both sides and perused the record with their able assistance.

6. The petitioner was terminated in 1996. A period of almost three decades from the date of his termination has passed away. He was not a Government Employee, thus, he was not entitled to protection guaranteed by Article 311 of the Constitution of India as well as 1934 Rules. In term of principles of natural justice, he was supposed to be granted opportunity of hearing, however, at this belated stage, it would not be just and fair to set aside the impugned order and ask the respondent to grant opportunity of hearing especially when the petitioner was not regular a Government Servant.

7. In the backdrop, this Court is of the considered opinion that present petition being bereft of merit deserves to be dismissed and accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

27.02.2025
Mohit Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No